

**Notice of Allowability**

Application No.

09/882,487

Examiner

Ngoc K. Vu

Applicant(s)

CONNELLY, JAY H.

Art Unit

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/13/2005.
2. ☒ The allowed claim(s) is/are 1,3-26,28-35 and 37-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with R. Alan Burnett on October 7, 2005.

#### In the claims:

Claim 1, line 7, --in response to the broadcasted meta-data-- has been inserted after "said plurality of client systems".

Claim 1, line 8, --ratings data and rankings-- has been inserted after "comprising".

Claim 1, line 9, "pieces of content;" has been replaced with --pieces of content corresponding to the descriptions of the plurality of pieces of content provided in the broadcasted meta-data, and a meta-data identifier that is used to determine broadcast schedule queue;--.

Claim 26, line 12, --comprising ratings data and rankings data-- has been inserted after "client demand feedback data".

Claim 26, line 13, "pieces of content;" has been replaced with --pieces of content corresponding to the descriptions of the plurality of pieces of content provided in the broadcasted meta-data, and a meta-data identifier that is used to determine broadcast schedule queue;--.

Claim 35, line 9, --comprising ratings data and rankings data-- has been inserted after "client demand feedback data".

Art Unit: 2611

Claim 35, line 10, "pieces of content;" has been replaced with --pieces of content corresponding to the descriptions of the plurality of pieces of content provided in the broadcasted meta-data, and a meta-data identifier that is used to determine broadcast schedule queue;--.

Claim 44, line 12, --in response to the broadcasted meta-data, the individual set of client demand feedback data comprising ratings data and rankings data-- has been inserted after "individual set of client demand feedback data".

Claim 44, lines 13-14, "based, in part, on the descriptions of such provided by the meta-data;" has been replaced with --corresponding to the descriptions of the plurality of pieces of content provided in the broadcasted meta-data, and a meta-data identifier that is used to determine broadcast schedule queue;--.

2. The following is an examiner's statement of reasons for allowance:

The closest prior art, Payton (US 5,790,935 A) teaches scheduling a list of recommended items from the most to the least recommended items to broadcast the recommended items to viewers, while Dudkiewicz (US 20020152474 A1) teaches processing metadata in accordance with viewer profile to assign desirability scores to each programming event. Payton and Dudkiewicz fail to teach or fairly suggest the features of receiving individual sets of client demand feedback data from at least a portion of said plurality of client systems in response to the broadcasted meta-data, each individual set of client demand feedback data comprising ratings data and rankings data indicating a client interest level in at least a portion of the plurality of pieces of content corresponding to the descriptions of the plurality of pieces of content provided in the broadcasted meta-data, and a meta-data identifier that is used to determine broadcast schedule queue; determining a piece of content from among said plurality

Art Unit: 2611

of pieces of content that is most opportunistic for next broadcast by aggregating the individual sets of client demand feedback data; maintaining a broadcast schedule queue comprising an ordered list of pieces of content that are scheduled to be broadcast in sequence derived from the aggregation of the client demand feedback data based on a relative level of client interest in each piece of content as recited in claims 1, 26 and 35; and the features of wherein each of said plurality of client systems is programmed to generate an individual set of client demand feedback data in response to the broadcasted meta-data, the individual set of client demand feedback data comprising ratings data and rankings data indicating a client interest level in at least a portion of the plurality of pieces of content corresponding to the descriptions of the plurality of pieces of content provided in the meta-data, and a meta-data identifier that is used to determine broadcast schedule queue; wherein at least a portion of the plurality of client systems send individual sets of client demand feedback data to the database server via the second communications link; wherein the database server is programmed to determine a piece of content from among said plurality of pieces of content that is most opportunistic for a next broadcast by aggregating the individual sets of client demand feedback data as recited in claim 44.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu  
Primary Examiner  
Art Unit 2611

October 11, 2005